



Rep. Justin Slaughter

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10200HB3215ham001

LRB102 13303 KMF 25405 a

1 AMENDMENT TO HOUSE BILL 3215

2 AMENDMENT NO. _____. Amend House Bill 3215 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 1.

5 SHORT TITLE: INTENT

6 "Section 1-1. Short title. This Act may be cited as the
7 Securing All Futures through Equitable Reinvestment in
8 Communities Act.

9 Section 1-5. Intent. The intent of the Securing All
10 Futures through Equitable Reinvestment in Communities Act is
11 to facilitate the re-entry into society of formerly
12 incarcerated individuals by restructuring criminal sentencing
13 requirements to lower incarceration numbers and to create
14 financial incentives, in the form of wage subsidies, for
15 employers that hire formerly incarcerated individuals.

1 ARTICLE 5.

2 SECURING ALL FUTURES THROUGH EQUITABLE

3 REINVESTMENT IN COMMUNITIES PILOT PROGRAM

4 Section 5-1. Short title. This Act may be cited as the
5 Securing All Futures through Equitable Reinvestment in
6 Communities Pilot Program Act. References in this Article to
7 "this Act" means this Article.

8 Section 5-5. Findings and purpose. In order to reverse the
9 trend of high unemployment among formerly incarcerated
10 individuals and to help spur the economy to recovery, it is
11 necessary to assist individuals in accessing self supporting,
12 full-time work.

13 Section 5-10. Definitions. In this Act:

14 "Applicant" means a person that is operating a business
15 located within this State that:

16 (1) is engaged in interstate or intrastate commerce;

17 and

18 (2) hires a participant for a position under a union
19 contract, or for a position that offers a basic wage and
20 benefits package as compensation. In the case of any
21 person that is a member of a unitary business group within
22 the meaning of paragraph (27) in subsection (a) of Section

1 1501 of the Illinois Income Tax Act, "applicant" refers to
2 the unitary business group.

3 "Basic wage" means a minimum of \$20 per hour as
4 compensation.

5 "Benefits package" means the new full-time employee's
6 benefits outside of the employee's basic wage including:

7 (1) a minimum of 5 days of earned sick time.

8 (2) a minimum of 5 days of paid vacation.

9 "Certificate of eligibility" means the certificate issued
10 by the Department under Section 5-25 of this Act.

11 "Wage subsidy" means the amount awarded by the Department
12 to an applicant by issuance of a certificate under Section
13 5-30 of this Act for each participant hired.

14 "Department" means the Department of Employment Security,
15 unless the text specifies another particular Department.

16 "Director" means the Director of Employment Security.

17 "Full-time employee" means an individual who has a
18 position under union contract or is employed for a basic wage
19 for at least 35 hours each week and receives a benefits package
20 as compensation.

21 "Date of hire" means the first day upon which the
22 participant begins providing services as an employee of the
23 applicant under a union contract or for a basic wage and
24 benefits package as compensation.

25 "Incentive period" means the period beginning on March 1,
26 2022 and ending on February 28, 2027.

1 "Noncompliance date" means, in the case of an applicant
2 that is not complying with the requirements of the provisions
3 of this Act, the date upon which the applicant became
4 noncompliant with the requirements of the provisions of this
5 Act, as determined by the Director, pursuant to Section 5-55
6 of this Act.

7 "Participant" means a full-time employee who:

8 (1) was unemployed or making less than the basic wage
9 referred to in this Section before being hired by an
10 applicant;

11 (2) served a sentence of incarceration;

12 (3) is registered for the pilot program described in
13 Section 5-20; and

14 (4) is subsequently hired during the incentive period
15 by an applicant for a position under union contract or for
16 a position that offers a basic wage and benefits package
17 as compensation.

18 "Participant" does not include a person who was employed
19 prior to the onset of the incentive period as a full-time
20 employee by the applicant or a related member of the applicant
21 that has more than 15 total employees.

22 "Disproportionately impacted area" means a census tract or
23 comparable geographic area that has high rates of arrest,
24 conviction, and incarceration among residents, as determined
25 by the Department of Commerce and Economic Opportunity."

26 "Re-entering person" means any individual who is in

1 physical custody of the Department of Corrections and is
2 scheduled to be released from custody within 12 months.

3 Section 5-15. Powers of the Department. The Department, in
4 addition to those powers granted under the Civil
5 Administrative Code of Illinois, is granted and shall have all
6 the powers necessary or convenient to carry out and effectuate
7 the purposes and provisions of this Act, including, but not
8 limited to, power and authority to:

9 (1) promulgate procedures, rules, or regulations
10 deemed necessary and appropriate for the administration of
11 this Act; establish forms for applications, notifications,
12 contracts, or any other agreements; and accept
13 applications at any time during the year and require that
14 all applications be submitted via the Internet. The
15 Department shall require that applications be submitted in
16 electronic form

17 (2) provide guidance and assistance to an applicant
18 pursuant to the provisions of this Act, and cooperate with
19 applicants to promote, foster, and support job creation
20 within the State;

21 (3) enter into agreements and memoranda of
22 understanding for participation of and engage in
23 cooperation with agencies of the federal government, units
24 of local government, universities, research foundations or
25 institutions, regional economic development corporations,

1 or other organizations for the purposes of this Act;

2 (4) gather information and conduct inquiries, in the
3 manner and by the methods it deems desirable, including,
4 but not limited to, gathering information with respect to
5 applicants for the purpose of making any designations or
6 certifications necessary or desirable or to gather
7 information in furtherance of the purposes of this Act;

8 (5) establish, negotiate, and effectuate any term,
9 agreement, or other document with any person necessary or
10 appropriate to accomplish the purposes of this Act; and
11 consent, subject to the provisions of any agreement with
12 another party, to the modification or restructuring of any
13 agreement to which the Department is a party;

14 (6) provide for sufficient personnel to permit
15 administration, staffing, operation, and related support
16 required to adequately discharge its duties and
17 responsibilities described in this Act from funds made
18 available through charges to applicants or from funds as
19 may be appropriated by the General Assembly for the
20 administration of this Act;

21 (7) require applicants, upon written request, to issue
22 any necessary authorization to the appropriate federal,
23 State, or local authority or any other person for the
24 release to the Department of information requested by the
25 Department, with the information requested to include, but
26 not limited to, financial reports, returns, or records

1 relating to the applicant or to the amount of wage subsidy
2 allowable under this Act;

3 (8) require that an applicant shall, at all times,
4 keep proper books of record and account in accordance with
5 generally accepted accounting principles consistently
6 applied with the books, records, or papers related to the
7 agreement in the custody or control of the applicant open
8 for reasonable Department inspection and audits, and
9 including, but not limited to, the making of copies of the
10 books, records, or papers; and

11 (9) take whatever actions are necessary or appropriate
12 to protect the State's interest in the event of
13 bankruptcy, default, foreclosure, or noncompliance with
14 the terms and conditions of financial assistance or
15 participation required under this Act, including the power
16 to sell, dispose of, lease, or rent, upon terms and
17 conditions determined by the Director to be appropriate,
18 real or personal property that the Department may recover
19 as a result of these actions.

20 Section 5-20. Pilot program.

21 (a) The wage subsidy shall only apply to up to 20,000
22 participants for the duration of the incentive period. A
23 maximum of 10,000 participants shall be released from prison
24 on or after January 1, 2021. A maximum of 10,000 participants
25 shall be released from prison between January 1, 2011 and

1 December 31, 2021.

2 (b) The Department shall maintain a database of all
3 participants for the duration of the incentive period.

4 (1) Individuals seeking to participate in the pilot
5 program shall register with the Department on or after
6 January 1, 2022.

7 (2) The Department shall verify individuals'
8 eligibility to participate in the program by checking
9 their employment and incarceration history.

10 (3) The Department shall mail a written letter
11 containing a denial or confirmation of the individual's
12 eligibility to participate in the program to the primary
13 address of the individual. The Department shall also send
14 an email with an electronic version of the letter attached
15 to the primary email address of the individual.

16 (A) The denial letter shall state the reason why
17 the individual is being denied.

18 (B) The confirmation letter shall state the
19 identifying number assigned to the individual.

20 (c) The Department shall maintain a record of the
21 participants and the corresponding applicant.

22 (1) Each applicant shall, on a monthly basis starting
23 from receipt of the certificate of eligibility for the
24 wage subsidy, submit a year-to-date report of the
25 employment of participants to remain in good standing to
26 receive the wage subsidy.

1 (2) The reports shall be submitted in the form and
2 manner required by the Department.

3 Section 5-25. Certificate of eligibility for wage subsidy.

4 (a) An applicant that hires a participant as a full-time
5 employee during the incentive period may apply for a
6 certificate of eligibility for the wage subsidy on or after
7 the date of hire.

8 (b) An applicant may apply for a certificate of
9 eligibility for the wage subsidy for more than one participant
10 on or after the date of hire of each qualifying participant.
11 The application shall include the following:

12 (1) the name, Social Security number or Individual
13 Taxpayer Identification number, job description, salary or
14 wage rate, and date of hire of each participant with
15 respect to whom the wage subsidy is being requested, and
16 whether each participant is registered in the pilot
17 program described in Section 5-20;

18 (2) the number of participants hired by the applicant
19 during the incentive period;

20 (3) an agreement that the Director is authorized to
21 verify with the appropriate State agencies the information
22 contained in the request before issuing a certificate to
23 the applicant;

24 (4) the physical address of the workplace to which the
25 participant reports for work; and

1 (5) any other information the Department determines to
2 be appropriate.

3 (c) After receipt of an application and approval of
4 eligibility under this Section, the Department shall issue a
5 certificate of eligibility to all qualified applicants,
6 stating:

7 (1) the date and time on which the application was
8 received by the Department and an identifying number
9 assigned to the applicant by the Department;

10 (2) the monthly amount of wage subsidy the applicant
11 would receive under this Act with respect to the new
12 employees listed on the application;

13 (d) After the initial certificate of eligibility is
14 issued, the applicant must submit a monthly report of
15 employment of all participants to the Department. The
16 Department shall review the report on a monthly basis and
17 determine the applicant's eligibility for a monthly wage
18 subsidy under this Act.

19 Section 5-30. Wage subsidy.

20 (a) Subject to the conditions set forth in this Act, an
21 applicant with a certificate of eligibility is entitled to a
22 monthly wage subsidy for each participant that was employed
23 for a full calendar month by the applicant, provided that the
24 following conditions are met:

25 (1) the participant was continuously employed under a

1 union contract or for a basic wage and benefits package;
2 and

3 (2) starting from the date of hire of the participant,
4 the applicant maintained or increased the total number of
5 full-time Illinois employees.

6 (b) The Department shall make monthly wage subsidy
7 payments to qualified applicants with a certificate of
8 eligibility that are in compliance with the requirements of
9 the provisions of this Act.

10 (c) The Department shall issue a wage subsidy payment to
11 the applicant for each participant that was continuously
12 employed for an entire calendar month after the date on which
13 the certificate is issued by the Department, and each month
14 thereafter during the incentive period for as long as the
15 participant's employment with the applicant is continuously
16 maintained and the Department determines the applicant is in
17 compliance with the requirements of the provisions of this
18 Act.

19 (d) The monetary amount of each monthly wage subsidy
20 payment awarded to an applicants for each participant that was
21 continuously employed for an entire calendar month shall
22 equal:

23 (1) \$1,250 for all applicants whose workplaces are
24 located in disproportionately impacted areas as defined in
25 Section 5.10; and

26 (2) \$850 for all other applicants.

1 Section 5-40. Maximum amount of wage subsidies allowed. To
2 the extent authorized by Section 5-30 of this Act, during the
3 incentive period the Department shall limit the total monetary
4 amount of wage subsidies awarded under this Act to no more than
5 \$1,500,000,000. If applications for a greater amount are
6 received, wage subsidies shall be allowed on a
7 first-come-first-served basis, based on the date on which each
8 properly completed application for a certificate of
9 eligibility is received by the Department. If more than one
10 certificate of eligibility is received on the same day, the
11 wage subsidies will be awarded based on the time of submission
12 for that particular day.

13 Section 5-55. Noncompliance.

14 (a) If the Director determines that an applicant who has
15 received a wage subsidy under this Act is not complying with
16 the requirements of the provisions of this Act, the Director
17 shall provide notice to the applicant of the alleged
18 noncompliance, and allow the applicant a hearing under the
19 provisions of the Illinois Administrative Procedure Act.

20 (b) If, after such notice and any hearing, the Director
21 determines that noncompliance exists, the Director shall issue
22 notice to the applicant to that effect stating the
23 noncompliance date.

1 Section 5-60. Awareness promotion of pilot program. From
2 January 1, 2022 through the end of the incentive period, the
3 Department of Corrections shall implement procedures to
4 promote awareness and participation in the Securing All
5 Futures through Equitable Reinvestment in Communities Pilot
6 Program among re-entering persons, including but not limited
7 to the following:

8 (a) The Department of Corrections shall ensure that the
9 wardens, superintendents, and chief administrative officers of
10 all correctional institutions and facilities visibly post
11 information about the availability and registration process
12 for the Securing All Futures through Equitable Reinvestment in
13 Communities Pilot Program in all common areas of their
14 respective institutions, and shall broadcast the same via
15 in-house institutional information television channels. The
16 Department of Corrections shall ensure that updated
17 information is distributed in a timely, visible, and
18 accessible manner.

19 (b) The Department of Corrections shall ensure that upon
20 release as a committed person on parole, mandatory supervised
21 release, aftercare release, final discharge, or pardon, a
22 re-entering individual shall be provided with written
23 information about the availability and registration process
24 for the Securing All Futures through Equitable Reinvestment in
25 Communities Pilot Program.

26 (c) The Department of Corrections shall provide direction

1 to each parole office within this State, information about the
2 availability and registration process for the Securing All
3 Futures through Equitable Reinvestment in Communities Pilot
4 Program is posted in a visible and accessible manner.

5 (d) The Department of Corrections shall distribute written
6 information about the availability and registration process
7 for the Securing All Futures through Equitable Reinvestment in
8 Communities Pilot Program to the Community Support Advisory
9 Councils of the Department of Corrections for use in re-entry
10 programs across this State.

11 Section 5-65. Subject to appropriations. The Securing All
12 Futures through Equitable Reinvestment in Communities Pilot
13 Program described in this Act is subject to appropriations to
14 the Department. The Department may use State or federal
15 funding to administer the program.

16 Section 5-70. Rulemaking authority.

17 (a) The Department may adopt rules necessary to implement
18 this Act. The rules may provide for recipients of wage
19 subsidies under this Act to be charged fees to cover
20 administrative costs of the Securing All Futures through
21 Equitable Reinvestment in Communities Pilot Program. Any
22 administrative rules necessary to implement this Act shall be
23 filed by the Department within 6 months following the
24 effective date of this Act.

1 (b) The Department of Corrections shall adopt rules to
2 carry out this Act within 6 months after the effective date of
3 this Act.

4 ARTICLE 10.

5 SENTENCING REFORM

6 Section 10-50. The Unified Code of Corrections is amended
7 by changing Sections 5-4.5-25, 5-4.5-30, 5-4.5-35, 5-4.5-40,
8 5-4.5-45, 5-4.5-50, 5-4.5-85, and 5-4.5-95 and by adding
9 Section 5-4.5-120 as follows:

10 (730 ILCS 5/5-4.5-25)

11 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
12 felony:

13 (a) TERM. The sentence of imprisonment shall be a
14 determinate sentence, subject to Section 5-4.5-115 of this
15 Code, of not less than 4 years and not more than 15 years ~~6~~
16 ~~years and not more than 30 years. The sentence of imprisonment~~
17 ~~for an extended term Class X felony, as provided in Section~~
18 ~~5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-115 of this~~
19 ~~Code, shall be not less than 30 years and not more than 60~~
20 ~~years.~~

21 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
22 shall not be imposed.

23 (c) IMPACT INCARCERATION. The impact incarceration program

1 or the county impact incarceration program is not an
2 authorized disposition.

3 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
4 probation or conditional discharge may ~~shall not~~ be imposed.

5 (e) FINE. Fines may be imposed as provided in Section
6 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

7 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
8 concerning restitution.

9 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
10 be concurrent or consecutive as provided in Section 5-8-4 (730
11 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

12 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
13 Act (730 ILCS 166/20) concerning eligibility for a drug court
14 program.

15 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
16 ILCS 5/5-4.5-100) concerning no credit for time spent in home
17 detention prior to judgment.

18 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
19 for rules and regulations for sentence credit.

20 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
21 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
22 electronic monitoring and home detention.

23 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
24 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
25 5/5-8-1), the parole or mandatory supervised release term
26 shall be 3 years upon release from imprisonment.

1 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
2 101-288, eff. 1-1-20.)

3 (730 ILCS 5/5-4.5-30)

4 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
5 felony:

6 (a) TERM. The sentence of imprisonment, other than for
7 second degree murder, shall be a determinate sentence of not
8 less than 3 years and not more than 7 years ~~4 years and not~~
9 ~~more than 15 years~~, subject to Section 5-4.5-115 of this Code.

10 The sentence of imprisonment for second degree murder shall be
11 a determinate sentence of not less than 3 years and not more
12 than 15 years ~~4 years and not more than 20 years~~, subject to
13 Section 5-4.5-115 of this Code. ~~The sentence of imprisonment~~
14 ~~for an extended term Class 1 felony, as provided in Section~~
15 ~~5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-115 of this~~
16 ~~Code, shall be a term not less than 15 years and not more than~~
17 ~~30 years.~~

18 (b) PERIODIC IMPRISONMENT. A sentence of periodic
19 imprisonment shall be for a definite term of from 3 to 4 years,
20 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
21 ILCS 5/5-5-3 or 5/5-7-1).

22 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
23 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
24 the impact incarceration program or the county impact
25 incarceration program.

1 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
2 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
3 period of probation or conditional discharge shall not exceed
4 4 years. The court shall specify the conditions of probation
5 or conditional discharge as set forth in Section 5-6-3 (730
6 ILCS 5/5-6-3). In no case shall an offender be eligible for a
7 disposition of probation or conditional discharge for a Class
8 1 felony committed while he or she was serving a term of
9 probation or conditional discharge for a felony.

10 (e) FINE. Fines may be imposed as provided in Section
11 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

12 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
13 concerning restitution.

14 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
15 be concurrent or consecutive as provided in Section 5-8-4 (730
16 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

17 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
18 Act (730 ILCS 166/20) concerning eligibility for a drug court
19 program.

20 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
21 ILCS 5/5-4.5-100) concerning credit for time spent in home
22 detention prior to judgment.

23 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
24 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
25 (730 ILCS 130/) for rules and regulations for sentence credit.

26 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section

1 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
2 electronic monitoring and home detention.

3 (1) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
4 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
5 5/5-8-1), the parole or mandatory supervised release term
6 shall be 2 years upon release from imprisonment.

7 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
8 101-288, eff. 1-1-20.)

9 (730 ILCS 5/5-4.5-35)

10 Sec. 5-4.5-35. CLASS 2 FELONIES; SENTENCE. For a Class 2
11 felony:

12 (a) TERM. The sentence of imprisonment shall be a
13 determinate sentence of not less than 2 years and not more than
14 5 years ~~3 years and not more than 7 years. The sentence of~~
15 ~~imprisonment for an extended term Class 2 felony, as provided~~
16 ~~in Section 5-8-2 (730 ILCS 5/5-8-2), shall be a term not less~~
17 ~~than 7 years and not more than 14 years.~~

18 (b) PERIODIC IMPRISONMENT. A sentence of periodic
19 imprisonment shall be for a definite term of from 18 to 30
20 months, except as otherwise provided in Section 5-5-3 or 5-7-1
21 (730 ILCS 5/5-5-3 or 5/5-7-1).

22 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
23 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
24 the impact incarceration program or the county impact
25 incarceration program.

1 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
2 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
3 period of probation or conditional discharge shall not exceed
4 4 years. The court shall specify the conditions of probation
5 or conditional discharge as set forth in Section 5-6-3 (730
6 ILCS 5/5-6-3).

7 (e) FINE. Fines may be imposed as provided in Section
8 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

9 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
10 concerning restitution.

11 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
12 be concurrent or consecutive as provided in Section 5-8-4 (730
13 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

14 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
15 Act (730 ILCS 166/20) concerning eligibility for a drug court
16 program.

17 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
18 ILCS 5/5-4.5-100) concerning credit for time spent in home
19 detention prior to judgment.

20 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
21 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
22 (730 ILCS 130/) for rules and regulations for sentence credit.

23 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
24 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
25 electronic monitoring and home detention.

26 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as

1 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
2 5/5-8-1), the parole or mandatory supervised release term
3 shall be 2 years upon release from imprisonment.

4 (Source: P.A. 100-431, eff. 8-25-17.)

5 (730 ILCS 5/5-4.5-40)

6 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. For a Class 3
7 felony:

8 (a) TERM. The sentence of imprisonment shall be a
9 determinate sentence of not less than one year and not more
10 than 4 years ~~2 years and not more than 5 years. The sentence of~~
11 ~~imprisonment for an extended term Class 3 felony, as provided~~
12 ~~in Section 5-8-2 (730 ILCS 5/5-8-2), shall be a term not less~~
13 ~~than 5 years and not more than 10 years.~~

14 (b) PERIODIC IMPRISONMENT. A sentence of periodic
15 imprisonment shall be for a definite term of up to 18 months,
16 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
17 ILCS 5/5-5-3 or 5/5-7-1).

18 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
19 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
20 the impact incarceration program or the county impact
21 incarceration program.

22 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
23 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
24 period of probation or conditional discharge shall not exceed
25 30 months. The court shall specify the conditions of probation

1 or conditional discharge as set forth in Section 5-6-3 (730
2 ILCS 5/5-6-3).

3 (e) FINE. Fines may be imposed as provided in Section
4 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

5 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
6 concerning restitution.

7 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
8 be concurrent or consecutive as provided in Section 5-8-4 (730
9 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

10 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
11 Act (730 ILCS 166/20) concerning eligibility for a drug court
12 program.

13 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
14 ILCS 5/5-4.5-100) concerning credit for time spent in home
15 detention prior to judgment.

16 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
17 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
18 (730 ILCS 130/) for rules and regulations for sentence credit.

19 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
20 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
21 electronic monitoring and home detention.

22 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
23 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
24 5/5-8-1), the parole or mandatory supervised release term
25 shall be one year upon release from imprisonment.

26 (Source: P.A. 100-431, eff. 8-25-17.)

1 (730 ILCS 5/5-4.5-45)

2 Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. For a Class 4
3 felony:

4 (a) TERM. The sentence of imprisonment shall be a
5 determinate sentence of ~~not less than one year and not more~~
6 ~~than 3 years. The sentence of imprisonment for an extended~~
7 ~~term Class 4 felony, as provided in Section 5-8-2 (730 ILCS~~
8 ~~5/5-8-2), shall be a term not less than 3 years and not more~~
9 ~~than 6 years.~~

10 (b) PERIODIC IMPRISONMENT. A sentence of periodic
11 imprisonment shall be for a definite term of up to 18 months,
12 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
13 ILCS 5/5-5-3 or 5/5-7-1).

14 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
15 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
16 the impact incarceration program or the county impact
17 incarceration program.

18 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
19 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
20 period of probation or conditional discharge shall not exceed
21 30 months. The court shall specify the conditions of probation
22 or conditional discharge as set forth in Section 5-6-3 (730
23 ILCS 5/5-6-3).

24 (e) FINE. Fines may be imposed as provided in Section
25 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

1 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
2 concerning restitution.

3 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
4 be concurrent or consecutive as provided in Section 5-8-4 (730
5 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

6 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
7 Act (730 ILCS 166/20) concerning eligibility for a drug court
8 program.

9 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
10 ILCS 5/5-4.5-100) concerning credit for time spent in home
11 detention prior to judgment.

12 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
13 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
14 (730 ILCS 130/) for rules and regulations for sentence credit.

15 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
16 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
17 electronic monitoring and home detention.

18 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
19 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
20 5/5-8-1), the parole or mandatory supervised release term
21 shall be one year upon release from imprisonment.

22 (Source: P.A. 100-431, eff. 8-25-17.)

23 (730 ILCS 5/5-4.5-50)

24 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except
25 as otherwise provided, for all felonies:

1 (a) NO SUPERVISION. The court, upon a plea of guilty or a
2 stipulation by the defendant of the facts supporting the
3 charge or a finding of guilt, may not defer further
4 proceedings and the imposition of a sentence and may not enter
5 an order for supervision of the defendant.

6 (b) FELONY FINES. Unless otherwise specified by law, the
7 minimum fine is \$75. An offender may be sentenced to pay a fine
8 not to exceed, for each offense, \$25,000 or the amount
9 specified in the offense, whichever is greater, or if the
10 offender is a corporation, \$50,000 or the amount specified in
11 the offense, whichever is greater. A fine may be imposed in
12 addition to a sentence of conditional discharge, probation,
13 periodic imprisonment, or imprisonment. See Article 9 of
14 Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of
15 additional amounts and determination of amounts and payment.
16 If the court finds that the fine would impose an undue burden
17 on the victim, the court may reduce or waive the fine. The
18 court shall consider the offender's financial circumstances
19 and ability to pay before and after imprisonment before
20 assessing any fine.

21 (c) REASONS FOR SENTENCE STATED. The sentencing judge in
22 each felony conviction shall set forth his or her reasons for
23 imposing the particular sentence entered in the case, as
24 provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons
25 may include any mitigating or aggravating factors specified in
26 this Code, or the lack of any such factors, as well as any

1 other mitigating or aggravating factors that the judge sets
2 forth on the record that are consistent with the purposes and
3 principles of sentencing set out in this Code.

4 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a
5 sentence may be made, or the court may reduce a sentence
6 without motion, within 30 days after the sentence is imposed.
7 A defendant's challenge to the correctness of a sentence or to
8 any aspect of the sentencing hearing shall be made by a written
9 motion filed with the circuit court clerk within 30 days
10 following the imposition of sentence. A motion not filed
11 within that 30-day period is not timely. The court may not
12 increase a sentence once it is imposed. A notice of motion must
13 be filed with the motion. The notice of motion shall set the
14 motion on the court's calendar on a date certain within a
15 reasonable time after the date of filing.

16 If a motion filed pursuant to this subsection is timely
17 filed, the proponent of the motion shall exercise due
18 diligence in seeking a determination on the motion and the
19 court shall thereafter decide the motion within a reasonable
20 time.

21 If a motion filed pursuant to this subsection is timely
22 filed, then for purposes of perfecting an appeal, a final
23 judgment is not considered to have been entered until the
24 motion to reduce the sentence has been decided by order
25 entered by the trial court.

26 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR

1 OTHER-STATE SENTENCE. A defendant who has a previous and
2 unexpired sentence of imprisonment imposed by another state or
3 by any district court of the United States and who, after
4 sentence for a crime in Illinois, must return to serve the
5 unexpired prior sentence may have his or her sentence by the
6 Illinois court ordered to be concurrent with the prior
7 other-state or federal sentence. The court may order that any
8 time served on the unexpired portion of the other-state or
9 federal sentence, prior to his or her return to Illinois,
10 shall be credited on his or her Illinois sentence. The
11 appropriate official of the other state or the United States
12 shall be furnished with a copy of the order imposing sentence,
13 which shall provide that, when the offender is released from
14 other-state or federal confinement, whether by parole or by
15 termination of sentence, the offender shall be transferred by
16 the Sheriff of the committing Illinois county to the Illinois
17 Department of Corrections. The court shall cause the
18 Department of Corrections to be notified of the sentence at
19 the time of commitment and to be provided with copies of all
20 records regarding the sentence.

21 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A
22 defendant who has a previous and unexpired sentence of
23 imprisonment imposed by an Illinois circuit court for a crime
24 in this State and who is subsequently sentenced to a term of
25 imprisonment by another state or by any district court of the
26 United States and who has served a term of imprisonment

1 imposed by the other state or district court of the United
2 States, and must return to serve the unexpired prior sentence
3 imposed by the Illinois circuit court, may apply to the
4 Illinois circuit court that imposed sentence to have his or
5 her sentence reduced.

6 The circuit court may order that any time served on the
7 sentence imposed by the other state or district court of the
8 United States be credited on his or her Illinois sentence. The
9 application for reduction of a sentence under this subsection
10 shall be made within 30 days after the defendant has completed
11 the sentence imposed by the other state or district court of
12 the United States.

13 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a
14 sentence or disposition that requires the defendant to be
15 implanted or injected with or to use any form of birth control.
16 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19.)

17 (730 ILCS 5/5-4.5-85)

18 Sec. 5-4.5-85. UNCLASSIFIED OFFENSES; SENTENCE.

19 (a) FELONY. The particular classification of each felony
20 is specified in the law defining the felony. Any unclassified
21 offense that is declared by law to be a felony or that provides
22 a sentence to a term of imprisonment for one year or more is a
23 Class 4 felony.

24 (b) MISDEMEANOR. The particular classification of each
25 misdemeanor is specified in the law or ordinance defining the

1 misdemeanor.

2 (1) Any offense not so classified that provides a
3 sentence to a term of imprisonment of less than one year
4 ~~but in excess of 6 months~~ is a Class A misdemeanor.

5 (2) Any offense not so classified that provides a
6 sentence to a term of imprisonment of 6 months or less ~~but~~
7 ~~in excess of 30 days~~ is a Class B misdemeanor.

8 (3) Any offense not so classified that provides a
9 sentence to a term of imprisonment of 30 days or less is a
10 Class C misdemeanor.

11 (c) PETTY OR BUSINESS OFFENSE. Any unclassified offense
12 that does not provide for a sentence of imprisonment is a petty
13 offense or a business offense.

14 (Source: P.A. 95-1052, eff. 7-1-09.)

15 (730 ILCS 5/5-4.5-95)

16 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

17 (a) HABITUAL CRIMINALS.

18 (1) Every person who has been twice convicted in any
19 state or federal court of an offense that contains the
20 same elements as an offense now (the date of the offense
21 committed after the 2 prior convictions) classified in
22 Illinois as a Class X felony, criminal sexual assault,
23 aggravated kidnapping, or first degree murder, and who is
24 thereafter convicted of a Class X felony, criminal sexual
25 assault, or first degree murder, committed after the 2

1 prior convictions, shall be adjudged an habitual criminal.

2 (2) The 2 prior convictions need not have been for the
3 same offense.

4 (3) Any convictions that result from or are connected
5 with the same transaction, or result from offenses
6 committed at the same time, shall be counted for the
7 purposes of this Section as one conviction.

8 (4) This Section does not apply unless each of the
9 following requirements are satisfied:

10 (A) The third offense was committed after July 3,
11 1980.

12 (B) The third offense was committed within 20
13 years of the date that judgment was entered on the
14 first conviction; provided, however, that time spent
15 in custody shall not be counted.

16 (C) The third offense was committed after
17 conviction on the second offense.

18 (D) The second offense was committed after
19 conviction on the first offense.

20 (5) Anyone who, having attained the age of 18 at the
21 time of the third offense, is adjudged an habitual
22 criminal shall be sentenced to a term of natural life
23 imprisonment.

24 (6) A prior conviction shall not be alleged in the
25 indictment, and no evidence or other disclosure of that
26 conviction shall be presented to the court or the jury

1 during the trial of an offense set forth in this Section
2 unless otherwise permitted by the issues properly raised
3 in that trial. After a plea or verdict or finding of guilty
4 and before sentence is imposed, the prosecutor may file
5 with the court a verified written statement signed by the
6 State's Attorney concerning any former conviction of an
7 offense set forth in this Section rendered against the
8 defendant. The court shall then cause the defendant to be
9 brought before it; shall inform the defendant of the
10 allegations of the statement so filed, and of his or her
11 right to a hearing before the court on the issue of that
12 former conviction and of his or her right to counsel at
13 that hearing; and unless the defendant admits such
14 conviction, shall hear and determine the issue, and shall
15 make a written finding thereon. If a sentence has
16 previously been imposed, the court may vacate that
17 sentence and impose a new sentence in accordance with this
18 Section.

19 (7) A duly authenticated copy of the record of any
20 alleged former conviction of an offense set forth in this
21 Section shall be prima facie evidence of that former
22 conviction; and a duly authenticated copy of the record of
23 the defendant's final release or discharge from probation
24 granted, or from sentence and parole supervision (if any)
25 imposed pursuant to that former conviction, shall be prima
26 facie evidence of that release or discharge.

1 (8) Any claim that a previous conviction offered by
2 the prosecution is not a former conviction of an offense
3 set forth in this Section because of the existence of any
4 exceptions described in this Section, is waived unless
5 duly raised at the hearing on that conviction, or unless
6 the prosecution's proof shows the existence of the
7 exceptions described in this Section.

8 (9) If the person so convicted shows to the
9 satisfaction of the court before whom that conviction was
10 had that he or she was released from imprisonment, upon
11 either of the sentences upon a pardon granted for the
12 reason that he or she was innocent, that conviction and
13 sentence shall not be considered under this Section.

14 (b) (Blank). ~~When a defendant, over the age of 21 years, is~~
15 ~~convicted of a Class 1 or Class 2 felony, except for an offense~~
16 ~~listed in subsection (c) of this Section, after having twice~~
17 ~~been convicted in any state or federal court of an offense that~~
18 ~~contains the same elements as an offense now (the date the~~
19 ~~Class 1 or Class 2 felony was committed) classified in~~
20 ~~Illinois as a Class 2 or greater Class felony, except for an~~
21 ~~offense listed in subsection (c) of this Section, and those~~
22 ~~charges are separately brought and tried and arise out of~~
23 ~~different series of acts, that defendant shall be sentenced as~~
24 ~~a Class X offender. This subsection does not apply unless:~~

25 ~~(1) the first felony was committed after February 1,~~
26 ~~1978 (the effective date of Public Act 80-1099);~~

1 ~~(2) the second felony was committed after conviction~~
2 ~~on the first; and~~

3 ~~(3) the third felony was committed after conviction on~~
4 ~~the second.~~

5 (c) (Blank). ~~Subsection (b) of this Section does not apply~~
6 ~~to Class 1 or Class 2 felony convictions for a violation of~~
7 ~~Section 16-1 of the Criminal Code of 2012.~~

8 ~~A person sentenced as a Class X offender under this~~
9 ~~subsection (b) is not eligible to apply for treatment as a~~
10 ~~condition of probation as provided by Section 40-10 of the~~
11 ~~Substance Use Disorder Act (20 ILCS 301/40-10).~~

12 (Source: P.A. 99-69, eff. 1-1-16; 100-3, eff. 1-1-18; 100-759,
13 eff. 1-1-19.)

14 (730 ILCS 5/5-4.5-120 new)

15 Sec. 5-4.5-120. Resentencing. The changes made to this
16 Article apply to offenses committed before the effective date
17 of this amendatory Act of the 102nd General Assembly, and to
18 offenses committed on or after the effective date of this
19 amendatory Act. A person currently serving a sentence for a
20 conviction, whether by trial or plea, of a felony or felonies
21 who would have been sentenced to a shorter term of
22 incarceration or guilty of a misdemeanor or lesser felony
23 classification under this Act had the Act been in effect at the
24 time of the offense may petition the trial court that entered
25 the judgment of conviction in his or her case to request

1 resentencing in accordance with this Act. A person who is
2 resentenced shall be given credit for time served. Under no
3 circumstances may resentencing under this Section result in
4 the imposition of a term longer than the original sentence.

5 ARTICLE 99.

6 EFFECTIVE DATE.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".